

## REMARKS

Reconsideration of the various objections and rejections set forth in the Office Action dated November 28, 2000 is respectfully requested in view of the above amendment and following remarks. Claims 1-17 are pending in the application. Claims 4, 6, 7 and 16 have been amended to clarify the full scope and breadth of the invention notwithstanding Applicants' belief that the claims may have been allowable as originally filed. Accordingly, Applicants assert that the amended claims do not constitute a narrowing within the meaning of Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., No. 95-1066, 2000 WL 1753646 (CAFC 2000). No claims have been added or cancelled.

Applicants thank the Examiner for indicating that claims 5 and 11-17, while objected to for informalities, each contain patentable subject matter.

Claims 1-3, 6-7 and 10 were rejected under 35 U.S.C. §102(b) as having each and every feature and relationship anticipated by U.S. Patent No. 4,418,031 to Doerer et al. Applicants' claim 1 recites in one pertinent part "A wet-laid fibrous web material . . . ." Claims 2-3, 6-7 and 10 being dependent on claim 1 thereby inherit this limitation.

The Doerer reference at column 2, lines 37-38 states, underlining added, "This invention, however, relates to a dry process and product made therefrom." The Doerer reference at column 2, lines 43-45 states, underlining added, "It is a primary object of this invention to provide a unique dry process of forming a flexible mat . . . ." The Doerer reference at column 2, lines 54-56 states, underlining added, "Products having far more difficult and complex shapes can be made from the material produced by this new dry process . . . ." The Doerer reference at column 5, line 58 to column 6, line 9 states, underlining added:

Products can be molded of the material made by the dry process of this invention with configurations just as complex and with bends just as sharp and angles of as small radii as by the wet slurry process; and yet this dry process, together with the subsequent molding of the product, is faster and less expensive than the wet slurry process. The wet slurry process requires substantially greater energy input than this dry process and subsequent molding operation in order to remove the great amount of moisture inherent in the wet slurry process. The wet slurry process requires special equipment to handle the large amounts of water and to clean up the effluent. Such equipment is not needed in this dry process. The wet slurry process also requires more than one mold to make a product, whereas with the material made by this dry process a product is formed from the mat in a single step in a single mold.

Claim 1 of the Doerer reference in one pertinent part states, underlining added:

" 1. A two-stage method of manufacturing a permanent rigid shaped end product comprising:

(1) in a first stage and by a dry process . . ."

— In sum, it is clear that the Doerer reference pertains only to a dry lay process, and in fact distinguishes the process therein from a wet lay process as recited in Applicants' disclosure. For the above reasons Applicant assert the Doerer reference does not teach or suggest Applicants' invention and respectfully traverse the Examiner's §102(b) rejection of claims 1-3, 6-7 and 10 and assert the Examiner should withdraw the above rejection.

Claims 1-4 and 6-7 were rejected under 35 U.S.C. §102(b) as having each and every feature and relationship anticipated by European Patent EP 0908303A2 to Beard et al. Applicants' claim 1 recites in one pertinent part "A wet-laid fibrous web material . . ." Claims 2-4 and 6-7 being dependent on claim 1 thereby inherit this limitation.

The Beard reference at column 1, lines 35-38 states, underlining added, "The batt is preferably copolymer polyester fibers which . . . are carded, lapped and heated to define the batt." The Beard reference at column 2, lines 43-46 states, underlining added, "The batt is made by carding the raw fibers which are then supplied to a lapping machine for vertically pleating the fibers to form a batt . . ." Claims 23 and 27 of the Beard reference in one pertinent part state, underlining added: "A method of manufacturing an interior panel of a vehicle comprising the steps of: carding fibers of copolymeric material; lapping the carded fibers to form a pleated batt;..."

Additionally, the Beard reference teaches that the carded and lapped batt is "enclosed between two layers of polyester scrim". See column 1, lines 42-43. The Beard reference at column 2, lines 18-19 states "On opposite sides of the batt are relatively thin upper and lower mats 14 and 16, respectively,..." The fibers of the upper and lower mats are "carded to singulate them and randomly dropped on a conveyor to form a random pattern of crisscrossed fibers which are blended with the thermoplastic fibers..." See Beard, column 3, lines 7-8, underlining added.

— In sum, it is clear that the Beard reference pertains only to a dry carding process followed by a lapping process and not a wet lay process as recited in Applicants' disclosure. For the above reasons Applicants' assert the Beard reference does not teach or suggest Applicants' invention and respectfully traverse the Examiner's §102(b) rejection of claims 1-4 and 6-7 and assert the Examiner should withdraw the above rejection.

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as having each and every feature and relationship suggested by the above Doerer reference as applied to claims 1-3, 6-7 and 10. As stated in MPEP §2143, "To establish a *prima facie* case of obviousness three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the

reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” As discussed above, the Doerer reference is deficient in teaching or suggesting each and every limitation and relationship of Applicants' invention. Further, when the Doerer reference is “considered in its entirety, including portions that would lead away from the claimed invention” as required by MPEP §2141.02 it is clear that the Doerer reference provides neither motivation to modify the teachings therein to include a wet lay process nor reasonable expectation of success in using a wet lay process. In fact, as discussed above, the Doerer reference strongly teaches away from use of a wet lay process. Thus, the Doerer reference does not meet the legally established standard to establish a *prima facie* case of obviousness under the requirements of MPEP §2143. For the above reasons Applicants assert the Doerer reference does not suggest Applicants' invention and respectfully traverse the Examiner's §103(a) rejection of claims 8-9 and assert the Examiner should withdraw the above rejection.

Claims 5 and 11-17 were objected to as being dependent upon a rejected base claim. For the above reasons Applicants assert the parent of claims 5 and 11-17 is patentable and respectfully traverse the Examiner's objection of claims 5 and 11-17 and assert the Examiner should withdraw the above objection.

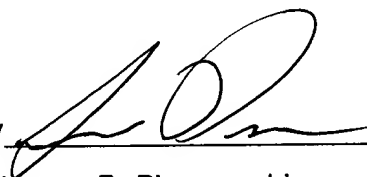
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In summary, Applicants have addressed each of the objections and rejections within the present Office Action in their remarks. The cited references have been found lacking in both anticipatory and suggestive effect. It is believed the application now stands in condition for allowance, and prompt favorable action thereon is earnestly solicited.

Respectfully submitted,

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